

REMARKS / ARGUMENTS

The claims are 1, 5-7, 10-19 and 22-25. Claims 3, 4 and 9, which the Examiner indicated contained allowable subject matter, have been rewritten in independent form by amending claim 1 to incorporate the subject matter of claim 3 (including claim 2 on which claim 3 depended), by rewriting claim 4 as new claim 24 (including claim 2 on which claim 4 depended) and by rewriting claim 9 as new claim 25 (including claim 8 on which claim 9 depended). Accordingly, claims 2, 3, 4 and 8-9 have been canceled, claims 5 and 6 which previously depended on claim 4 have been amended to depend on new claim 24, and claim 10, which previously depended on claim 9 has been amended, to depend on new claim 25. Claim 7 has also been amended to improve its form. Use claims 20 and 21 have been canceled in favor of new claims 22 and 23 directed to a heat pump and a refrigerating machine respectively, and incorporating in the subject matter of amended claim 1. An amended Abstract has been provided in place of the previous Abstract. Reconsideration is expressly requested.

The Abstract of the Disclosure was objected to as being over 150 words and as containing legal phraseology. In response,

Applicant has amended the Abstract to correct these informalities, thereby obviating the Examiner's objection.

Claims 20-21 were rejected under 35 U.S.C. §112, second paragraph, and under 35 U.S.C. §101 as being improper method of use claims dependent on apparatus claim 1. In response, Applicant has canceled claim 20 and 21 in favor of new claims 22 and 23 directed to a heat pump and a refrigerating machine, respectively, which it is respectfully submitted overcomes the Examiner's rejection on the basis of 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101.

Claims 1-2, 8 and 13-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Martin WO 02/084078* in view of *Crump U.S. Patent No. 3,588,297*. The Examiner has also indicated, however, that claims 3-7 and 9-10 contain allowable subject matter, and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, without conceding the propriety of the Examiner's rejections, and in order to expedite prosecution of

this case, Applicant has amended claim 1 to incorporate the subject matter of claim 3 (including claim 2 on which claim 3 depended), has rewritten claims 4 and 9 in independent form as new claims 24 and 25, respectively, has amended claims 5 and 6 to depend on new claim 24, has amended claim 10 to depend on new claim 25, and has canceled claims 2-4 and 8-9. Accordingly, it is respectfully submitted that claim 1 as amended, and new claims 24 and 25 together with claims 5-7, which depend directly or indirectly on new claim 24, claim 10, which depends on new claim 25, and claims 11-19, which depend directly or indirectly on claim 1 as amended, are now in condition for allowance.

New claims 22 and 23 substantially incorporate the subject matter of claim 3 (including claims 1 and 2 on which claim 3 depended). Accordingly, it is respectfully submitted that new claims 22 and 23 are now in condition for allowance as well.

In summary, claims 1, 5-7, and 10 have been amended, claims 2-4, 8-9, and 20-21 have been canceled, and new claims 22-25 have been added. A check in the amount of \$200.00 is enclosed in payment of the fee for two additional independent claims over 3.

The Abstract of the Disclosure has also been amended. In view of

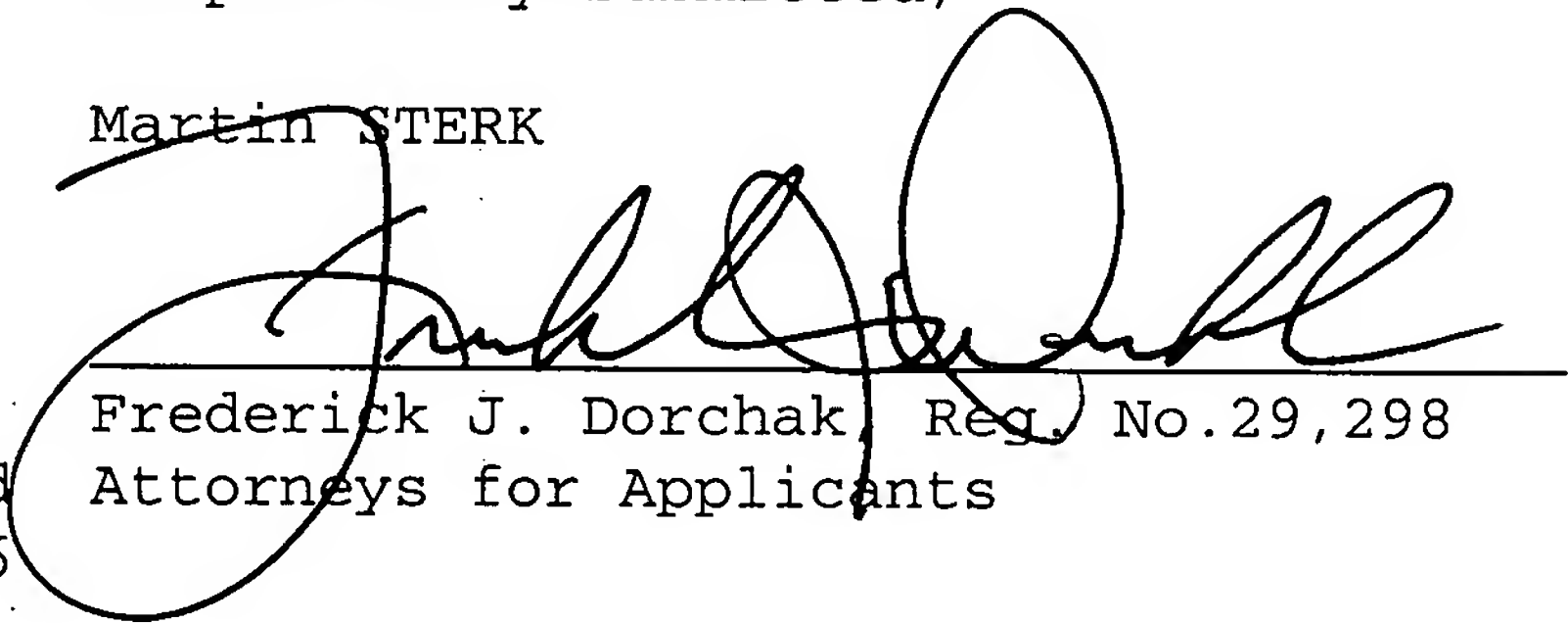
the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Applicant also submits herewith a Supplemental Information Disclosure Statement.

Respectfully submitted,

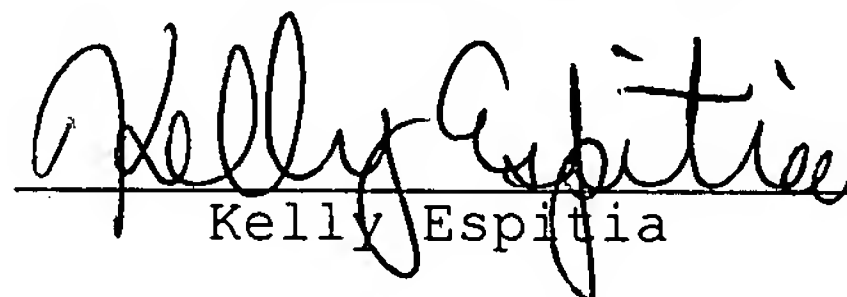
Martin STERK

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:djp


Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicants

Enclosures: Check in the amount of \$200.00
 Abstract of the Disclosure
 Supplemental Information Disclosure Statement

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 13, 2007.


Kelly Espitia

R:\Patents\S\STERK-1 PCT\AMENDMENT - 8-13-07.wpd